



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,038	07/24/2006	Frank-Uwe Sommer	37934-233415	3177
26694 7590 01/05/2010				
VENABLE LLP				
P.O. BOX 34385				
WASHINGTON, DC 20043-9998				
EXAMINER				
WILSON, BRIAN P				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
01/05/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,038

Applicant(s)

SOMMER ET AL.

Examiner

Brian Wilson

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 and 20-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-506)
Paper No(s)/Mail Date 07/24/2006, 03/31/2009
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Summary

1. This communication is in response to arguments/amendments filed on 09/23/2009. Claims 1-5, and 20-29 are currently pending. Claims 1, and 26-27 have been amended, and claims 16-19 were cancelled in the preliminary amendment filed on 01-09/2009.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-5, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucharczyk (U.S. Patent 6,696,918) in view of Goci (U.S. Pub 2003/0195798).

Regarding claim 1, Kucharczyk discloses a programming apparatus for transmitter/receiver systems for contactless actuation of doors/gates (met by Col.1, lines 14-20 & Fig. 5; 30, 74 & Fig. 1; 28 & Col. 14, lines 1-14; note, server can be owned by a company that provides tags/smart cards/transmitters to employees for accessing a buildings doors/gates), including a transmitter (met by Col. 8, lines 51-55; note, tag/transmitter is programmed with an access code & Col. 5, lines 13-16), an associated receiver comparing a received transmitter code with receiver codes (met by Col. 7, lines 42-43; note, locking device/receiver & Col. 8, lines 19-21 & Col. 12, lines 54-63); a computer unit for management of transmitter/receiver codes (met by Fig. 5; 30, 74), an input unit (note, input/display unit are used with server & Col. 14, lines 1-14 & Col. 8, lines 51-55) through which a user can select a receiver code stored in the computer

unit (met by Fig. 4A & Col. 8, lines 19-55), and to specify the transmitter code by selecting a receiver code (met by Fig. 4A & Col. 8, lines 19-55; note, an unused receiver code is picked as a transmitter code), and block the receiver code from further being issued as a transmitter code (met by Fig. 4A, M, P & Col. 8, lines 36-50; note, only unused codes are utilized from the table); and an interface unit for issuing transmitter and receiver codes (met by Fig. 3; 30, 32, 34, 36, 48 & Col. 8, lines 51-55; note, tags/transmitters with access codes are issued to people and receiver codes are issued to locking devices & Col. 8, lines 10-12). However, Kucharczyk does not specifically disclose *masking* the receiver code specified as the transmitter code.

Goci teaches *masking* a selection, and preventing that selection from being chosen again (met by [0024]). It is obvious to highlight/mask selections that are currently unavailable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Goci's features into Kucharczyk's system. This provides a visual indicator to a user that an access code has already been issued, and is prevented from being used again.

Regarding claim 2, the claim is interpreted and rejected as claim 1.

Regarding claim 3, the claim is interpreted and rejected as claim 1.

Regarding claim 4, the claim is interpreted and rejected as claim 1.

Regarding claim 5, Kucharczyk further discloses that the server can track who used the transmitter code to access the door/gate (met by Col. 8, lines 51-67 & Col. 9, lines 1-100). The rest of the claimed limitations are interpreted and rejected as claim 1.

Regarding claim 20, the claim is interpreted and rejected as claim 1.

Regarding claim 21, the claim is interpreted and rejected as claim 1.

Regarding claim 22, the claim is interpreted and rejected as claim 1.

Regarding claim 23, the claim is interpreted and rejected as claim 1.

Regarding claim 24, the claim is interpreted and rejected as claim 1.

Regarding claim 25, the claim is interpreted and rejected as claim 1.

Regarding claim 26, the claim is interpreted and rejected as claim 1.

Regarding claim 27, the claim is interpreted and rejected as claim 1.

Regarding claim 28, Kucharczyk further discloses an interface adaptor (met by Fig. 5; 58).

Regarding claim 29, the claim is interpreted and rejected as claim 1.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5, and 20-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Libin (U.S. Patent 7,205,882) discloses actuating a security system using a wireless device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is 571-270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612